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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
BP AMERICA PRODUCTION COMPANY)
fka AMOCO PRODUCTION COMPANY,)
CAMWEST, INC.,)
)
and)
)
CAMWEST LIMITED PARTNERSHIP,)
)
Defendants.)
_____)

Civil Action No. _____

COMPLAINT

The United States of America, by authority of the Attorney General of the United States and through the undersigned attorneys, acting at the request of the Administrator of the United States Environmental Protection Agency ("EPA"), files this complaint and alleges as follows:

NATURE OF THE CASE

1. This is a civil action for civil penalties and injunctive relief pursuant to Section 1423(b) of the Public Health Service Act, as amended by the Safe Drinking Water Act ("SDWA"), 42 U.S.C. § 300h-2(b), against each of Defendants BP America Production Company f/k/a Amoco Production Company, CamWest, Inc., and CamWest Limited Partnership for violations of the SDWA and regulations issued thereunder, based on their noncompliance with the Underground Injection Control ("UIC") program at the Lander and Winkelman Dome Oil Fields in Fremont County, Wyoming, within the exterior boundaries of the Wind River Indian Reservation.

2. This action also seeks civil penalties pursuant to Section 309(b) and (d) of the Clean Water Act ("CWA"), 33 U.S.C. § 1319(b) and (d), from Defendant BP America Production Company f/k/a Amoco Production Company, and civil penalties and injunctive relief under these same provisions from Defendants CamWest, Inc., and CamWest Limited Partnership for violations of the CWA and regulations issued thereunder, based on the discharge of pollutants into waters of the United States in violation of Section 301 of the CWA, 33 U.S.C. § 1311, at the

Lander and Winkleman Dome Oil Fields in Fremont County, Wyoming, within the exterior boundaries of the Wind River Indian Reservation.

3. This action also seeks civil penalties pursuant to Section 311(b)(7) of the CWA, 33 U.S.C. § 1321(b)(7), as amended by the Oil Pollution Act of 1990 (“OPA”), Pub. L. 101-380, 104 Stat. 484, against Defendants CamWest, Inc., and CamWest Limited Partnership, based on the failure to comply with regulations promulgated pursuant to the CWA, related to the preparation and implementation of a Spill Prevention Control and Countermeasures Plan at the Lander and Winkleman Dome Oil Fields in Fremont County, Wyoming, within the exterior boundaries of the Wind River Indian Reservation.

JURISDICTION, VENUE AND AUTHORITY

4. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1345, 1355, and 1395(a), as well as Section 1423(b) of the SDWA, 42 U.S.C. § 300h-2(b), and Sections 309(b), 311(b)(7)(E) of the CWA, 33 U.S.C. §§ 1319(b), 1321(b)(7)(E).

5. This Court has personal jurisdiction over the Defendants because each Defendant was doing business in this judicial district at various times during the period of time relevant in this case.

6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b)-(c) and 1395(a), Section 1423(b) of the SDWA, 42 U.S.C. § 300h-2(b), and Sections 309(b) and 311(b)(7)(E) of the CWA, 33 U.S.C. §§ 1319(b) and 1321(b)(7)(E).

7. Authority to bring this action is vested in the United States Department of Justice by 28 U.S.C. §§ 516 and 519, Sections 1423(a)(2) and (b) and 1450(f) of the SDWA, 42 U.S.C. §§ 300h-2(a)(2) and (b), 300j-9(f), and Sections 309(b) and 506 of the CWA, 33 U.S.C. §§ 1319(b) and 1366.

PARTIES

8. Plaintiff is the United States of America, acting on behalf of the EPA.

9. Defendant BP America Production Company f/k/a Amoco Production Company (“Amoco”) is a corporation organized under the laws of the State of Delaware and engaged in the business of oil and gas exploration, development and production. Amoco is wholly owned by BP Company North America Inc. f/k/a BP Amoco Company, which is a corporation organized under the laws of the State of Delaware and wholly owned by BP Amoco Corporation f/k/a BP Corporation North America Inc., which is a corporation organized under the laws of the State of Indiana; both of these corporations are wholly owned by BP P.L.C. f/k/a BP Amoco P.L.C. of the United Kingdom. From at least 1988 through June 30, 1997, Amoco was the owner or operator of the Lander and Winkleman Dome Oil Fields and the Class II enhanced oil recovery underground injection wells that are the subject of this action.

10. Defendant CamWest Limited Partnership (“CamWest LP”) is an Arkansas Limited Partnership, located in McKinney, Texas 75070. CamWest LP is engaged in the business of oil exploration and production. CamWest LP is registered with the Wyoming Secretary of State

under an address in Denver, Colorado, and maintains offices in Arkansas. From July 1, 1997, until at least June 14, 2004, CamWest LP was the owner or operator of the Lander and Winkleman Dome Oil Fields and the Class II enhanced oil recovery underground injection wells that are the subject of this action. CamWest LP and CamWest, Inc. sold the Lander and Winkleman Dome Oil Fields effective June 14, 2004, and the purchase agreement reflects certain continuing obligations at the Oil Fields, including obligations with respect to the CWA.

11. Defendant CamWest, Inc. is a corporation organized under the laws of the State of Arkansas and engaged in the business of oil and gas exploration, development and production. CamWest's primary offices are located in McKinney, Texas, where it is registered as Texas CamWest, Inc., and it maintains branch locations in Colorado, Arkansas, North Dakota and Wyoming. CamWest, Inc. is the General Partner in CamWest LP and signed the Assignment and Bill of Sale transferring the wells that are the subject of this action from Amoco to CamWest LP. CamWest, Inc. is registered with the Wyoming Secretary of State under an address in Denver, Colorado. From July 1, 1997, until at least June 14, 2004, CamWest, Inc. was the owner or operator of the Lander and Winkleman Dome Oil Fields and the Class II enhanced oil recovery underground injection wells that are the subject of this action. CamWest LP and CamWest, Inc. sold the Lander and Winkleman Dome Oil Fields effective June 14, 2004, and the purchase agreement reflects certain continuing obligations at the Oil Fields, including obligations with respect to the CWA.

12. Each Defendant is a "person" within the meaning of Section 1401(12) of the SDWA, 42 U.S.C. § 300f(12), and Sections 311(a)(7) and 502(5) of the CWA, 33 U.S.C. §§ 1321(a)(7) and 1362(5).

13. Each Defendant, at all relevant times, has been the "owner or operator of any 'facility or activity' subject to regulation under the UIC program," within the meaning of the SDWA and 40 C.F.R. § 144.3, and the "owner or operator" of an "onshore facility" within the meaning of Section 311(a)(6) and (10) of the CWA, 33 U.S.C. § 1321(a)(6) and (10), and 40 C.F.R. § 112.2.

14. Each Defendant, at all relevant times, has been engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing or consuming oil or oil products located at the Winkleman Dome and Lander Oil Fields.

STATUTORY AND REGULATORY FRAMEWORK

Safe Drinking Water Act

15. Section 1422 of the SDWA, 42 U.S.C. § 300h-1, required the Administrator of EPA to identify each State for which a UIC program may be necessary to assure that underground injection of fluids will not endanger underground sources of drinking water and to establish regulations for EPA administration of UIC programs in specified circumstances. Thereafter, the Administrator identified all States as requiring UIC programs; accordingly, pursuant to the SDWA, all States were required to submit their initial proposed UIC program to EPA within 270

days after July 24, 1980. 40 C.F.R. § 144.1(e).

16. EPA promulgated regulations governing the underground injection of fluids pursuant to Section 1421 of the SDWA, 42 U.S.C. § 300h, which are codified at 40 C.F.R. Parts 124, 144, 145, 146, and 147.

17. Pursuant to Section 1422(c) of the SDWA, 42 U.S.C. § 300h-1(c), if a State does not submit an application for approval of a UIC program or if EPA disapproves a State program, EPA shall prescribe a program for that State that meets certain enumerated requirements, including the requirements of regulations in effect under Section 1422 of the SDWA, 42 U.S.C. § 300h-1.

18. Section 1451 of the SDWA, 42 U.S.C. § 300j-11, provides generally for the treatment of Tribes as States. Section 1422(e) of the SDWA, 42 U.S.C. § 300h-1(e), provides, in part, that:

An Indian Tribe may assume primary enforcement responsibility for underground injection control under this section [Section 1422] consistent with such regulations as the Administrator has prescribed The area over which such Indian Tribe exercises governmental jurisdiction need not have been listed under subsection (a) of this section Until an Indian Tribe assumes primary enforcement responsibility, the currently applicable underground injection control program shall continue to apply. If an applicable underground injection control program does not exist for an Indian Tribe, the Administrator shall prescribe such a program pursuant to subsection (c) of this section, and consistent with section 300h(b) of this title. . . .

19. The Eastern Shoshone and Northern Arapaho Tribes of the Wind River Indian Reservation have not been authorized under the SDWA to implement the UIC program within

the reservation, nor does the EPA-approved State of Wyoming UIC program apply to land within the exterior boundaries of the Wind River Indian Reservation. See 40 C.F.R.

§§ 147.2550, 147.2553 (specifically exempting Indian lands from inclusion in the federally-approved UIC program under the SDWA for the State of Wyoming).

20. At all times relevant to this action, EPA has administered and enforced the UIC program on all Indian lands within the State of Wyoming, including the Wind River Reservation, pursuant to Section 1422(e) of the SDWA, 42 U.S.C. § 300h-1(e), and 40 C.F.R. § 147.2553. This program became effective November 25, 1988, and consists of the regulations found in 40 C.F.R. Parts 124, 144, 146, and 148 (Subpart ZZ). 40 C.F.R. § 147.2553.

21. UIC programs may authorize well injection by rule or pursuant to a permit program, or both, as set forth in Section 1421 of the SDWA, 42 U.S.C. § 300h, and EPA's regulations promulgated thereunder. In general, certain wells, including enhanced oil recovery underground injection wells, in operation before the approval or prescription of a given UIC program operate by rule, while wells that are new or whose authorizations by rule have expired operate by permit. Pursuant to Section 1421 of the SDWA, EPA's UIC program regulations may not authorize any underground injection that endangers drinking water sources. Section 1421 also directs that these regulations require UIC permit applicants to satisfy the regulating authority that the proposed underground injection will not endanger drinking water sources. Section 1421(b)(1)(A) mandates that, effective on the date on which an applicable UIC program takes

effect, any underground injection not authorized by rule or permit is prohibited.

22. Section 1421(d)(2) of the SDWA establishes that:

Underground injection endangers drinking water sources if such injection may result in the presence in underground water which supplies or can reasonably be expected to supply any public water system of any contaminant, and if the presence of such contaminant may result in such system's not complying with any national primary drinking water regulation or may otherwise adversely affect the health of persons.

42 U.S.C. § 300h(d)(2). A "contaminant" is "any physical, chemical, biological, or radiological substance or matter in water." 42 U.S.C. § 300f(6).

23. EPA's regulations address five classifications of UIC wells, as described in 40 C.F.R. §§ 144.6 and 146.5, including Class II wells, which include wells that inject fluids for enhanced recovery of oil or natural gas.

24. Section 300h(d)(1) of the SDWA, 42 U.S.C. § 1421(d)(1), defines "underground injection" as "the subsurface emplacement of fluids by well injection" for purposes of Part C of the SDWA ("Protection of Underground Sources of Drinking Water"). "Well injection" is defined as "the subsurface emplacement of fluids through a well". 40 C.F.R. § 144.3. "Fluid" is defined as "any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state." 40 C.F.R. § 144.3. "Well" is defined as "[a] bored, drilled or driven shaft or a dug hole whose depth is greater than the largest surface dimension; or, an improved sinkhole; or, a subsurface fluid distribution system." 40 C.F.R. § 144.3.

25. An "Underground Source of Drinking Water" means an aquifer or its portion,

which is not exempted pursuant to 40 C.F.R. § 144.7, that supplies any public water system, or contains a sufficient quantity of ground water to supply a public water system and currently supplies drinking water for human consumption or contains fewer than 10,000 mg/l total dissolved solids. 40 C.F.R. § 144.3.

26. Pursuant to 40 C.F.R. §§ 144.3 and 146.3, "Director," as used in 40 C.F.R. Parts 124, 144, and 146 and as applied in this matter, means the Regional Administrator of EPA Region 8 or authorized representative.

27. Subpart B of 40 C.F.R. Part 144 addresses general requirements applicable to the UIC program. Section 144.11 states, in part:

Any underground injection, except into a well authorized by rule or except as authorized by permit issued under the UIC program, is prohibited.

28. Subpart C of 40 C.F.R. Part 144 addresses the "Authorization of Underground Injection by Rule." An existing well is authorized by rule if the owner or operator injects into the existing well within one year after the effective date of the UIC program or as inventoried pursuant to § 144.26. 40 C.F.R. § 144.21(a). Section 144.21(a) also requires that the owner or operator of a well authorized by rule "shall rework, operate, maintain, convert, plug, abandon or inject into the well in compliance with applicable regulations." Section 144.22(a), which addresses "Existing Class II enhanced recovery and hydrocarbon storage wells," states, in part:

An existing Class II enhanced recovery or hydrocarbon storage injection well is authorized by rule for the life of the well or project . . . [and] [a]n owner or operator of a well which is authorized by rule pursuant to this section shall rework, operate, maintain,

convert, plug, abandon, or inject into the well in compliance with applicable regulations. 40 C.F.R. § 144.22(d) requires that the owner or operator of a well authorized under section 144.22 “shall comply with the applicable requirements of § 144.28 and Part 147.” Any noncompliance with the applicable requirements of 40 C.F.R. Part 144 Subparts B and C constitutes a violation of the SDWA. 40 C.F.R. § 144.28(a).

29. Subpart D of 40 C.F.R. Part 144 addresses the “Authorization by Permit” of underground injection wells. Section 144.31(a) states, in part:

Unless an underground injection well is authorized by rule under subpart C of this part, all injection activities including construction of an injection well are prohibited until the owner or operator is authorized by permit. An owner or operator of a well currently authorized by rule must apply for a permit under this section unless well authorization by rule was for the life of the well or project. Authorization by rule for a well or project for which a permit application has been submitted terminates for the well or project upon the effective date of the permit

30. Subpart E of 40 C.F.R. Part 144 includes additional conditions applicable to all permits. Any permit noncompliance constitutes a violation of the SDWA. 40 C.F.R. § 144.51(a). Where applicable, well permits shall contain the requirements set forth in 40 C.F.R. Part 146. 40 C.F.R. § 144.52.

31. 40 C.F.R. Part 146 contains additional technical criteria and standards for the UIC Program.

32. Pursuant to Section 1423(a)(2) and (b) of the SDWA, 42 U.S.C. § 300h-2(a)(2) and (b), the United States may bring a civil judicial action to require compliance with the SDWA

and regulations implemented thereunder, and may seek civil penalties for violations thereof.

33. Pursuant to Section 1423(b) of the SDWA, 42 U.S.C. § 300h-2(b), in a civil judicial action, the district court “shall have jurisdiction to require compliance with any requirement of an applicable underground injection program” and “may enter such judgment as protection of public health may require.”

34. Section 1423(b) of the SDWA, 42 U.S.C. § 300h-2(b), as amended by the Federal Civil Penalties Inflation Adjustment Act of 1990, 104 Stat. 890, Public Law 101-410 (codified as amended at 28 U.S.C. § 2461), 61 Fed. Reg. 60360 (Dec. 31, 1996), the Debt Collection Improvement Act of 1996, 110 Stat. 1321, Public Law 104-134, and 40 C.F.R. § 19.4 (hereinafter, “Section 1423(b) of the SDWA, as amended”), provides that any person who violates any requirement of an applicable underground injection control program shall be subject to a civil penalty not to exceed \$25,000 for each day of such violation occurring on or before January 30, 1997, \$27,500 for each day of such violation occurring after January 30, 1997, and \$32,500 for each day of such violation occurring after March 15, 2004.

Clean Water Act: NPDES Permit violations

35. Section 301 of the CWA, 33 U.S.C. § 1311, prohibits the discharge of pollutants by any person except in compliance with that Section and other specified sections of the CWA.

36. The “discharge of a pollutant” is defined in Section 502(12) of the CWA, 33 U.S.C. § 1362(12), *inter alia*, as “any addition of any pollutant to navigable waters from any point

source.”

37. Under Section 402 of the CWA, 33 U.S.C. § 1342, the Administrator of EPA may issue a National Pollutant Discharge Elimination System (“NPDES”) permit that authorizes the discharge of pollutants directly into navigable waters of the United States in compliance with the terms and conditions of the permit.

38. Any person who discharges pollutants in violation of the terms and conditions of an NPDES permit is in violation of the CWA.

39. Any person who discharges pollutants without an applicable NPDES permit is in violation of the CWA.

40. Section 309(b) of the CWA, 33 U.S.C. § 1319(b), provides, in part, for the commencement of an action for appropriate relief, including a permanent or temporary injunction, against any person who violates, inter alia, Section 301 of the CWA, 33 U.S.C. §1311, including any condition or limitation implementing such section in a permit issued under Section 402 of the CWA.

41. Section 309(d) of the CWA, 33 U.S.C. § 1319(d), as amended by the Federal Civil Penalties Inflation Adjustment Act of 1990, 104 Stat. 890, Public Law 101-410 (codified as amended at 28 U.S.C. § 2461), 61 Fed. Reg. 60360 (Dec. 31, 1996), the Debt Collection Improvement Act of 1996, 110 Stat. 1321, Public Law 104-134, and 40 C.F.R. § 19.4 (hereinafter “Section 309(d) of the CWA, as amended”), provides that any person who violates

Section 301 of the CWA, 33 U.S.C. § 1311, or any term or condition of any permit issued under Section 402 of the CWA, 33 U.S.C. § 1342, including any condition or limitation implementing such sections, shall be subject to a civil penalty not to exceed \$25,000 for each day of such violation occurring on or before January 30, 1997, \$27,500 for each day of such violation occurring after January 30, 1997, and \$32,500 for each day of such violation occurring after March 15, 2004.

42. Pursuant to CWA Section 309(b), 33 U.S.C. § 1319(b), the district court may also order injunctive relief for violations of Section 301 of the CWA, 33 U.S.C. § 1311.

Clean Water Act: Spill Prevention Control and Countermeasures:

43. Section 311(j)(1)(C) of the CWA, 33 U.S.C. § 1321(j)(1)(C), provides that the President shall issue regulations “establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil and hazardous substances from vessels and from onshore facilities and offshore facilities, and to contain such discharges.”

44. Regulations promulgated pursuant to Section 311(j)(1)(C) include regulations found at 40 C.F.R. Part 112, entitled “Oil Pollution Prevention,” which set forth procedures, methods and requirements to prevent the discharge of oil from non-transportation-related facilities into or upon the navigable waters of the United States and adjoining shorelines. 40 C.F.R. § 112.1(a). Except as specifically exempted, these regulations apply to the owners or operators of non-transportation-related onshore and offshore facilities that drill for, produce,

gather, store, process, refine, transfer, distribute or consume oil or oil products, and which, due to their location, could reasonably be expected to discharge oil in harmful quantities, as defined by 40 C.F.R. Part 110, into or upon the navigable waters of the United States and adjoining shorelines. 40 C.F.R. § 112.1(b).

45. Owners or operators of onshore facilities in operation on or before the effective date of 40 C.F.R. Part 112 (January 10, 1974) that have discharged or, due to their location, could reasonably be expected to discharge oil in harmful quantities, as defined by 40 C.F.R. Part 110, into or upon the navigable waters of the United States or adjoining shorelines, shall prepare a Spill Prevention Control and Countermeasure Plan ("SPCC Plan"), in writing and in accordance with 40 C.F.R. § 112.7, within six months after the effective date of Part 112, and shall fully implement this plan as soon as possible, but no later than one year after the effective date of the regulation. Owners or operators of applicable facilities that become operational after the effective date of Part 112 shall prepare the SPCC Plan within six months after the facility becomes operational and shall fully implement the plan as soon as possible, but no later than one year after the facility begins operations. 40 C.F.R. § 112.3(b). An SPCC Plan is not effective unless it has been reviewed and certified by a Registered Professional Engineer.

40 C.F.R. § 112.3(d). Owners and operators of such facilities must maintain a complete copy of the SPCC Plan at the facility if the facility is normally attended at least eight hours per day, and shall make the plan available to the Regional Administrator for on-site review during normal

working hours. 40 C.F.R. § 112.3(e). Provisions for extensions of time for the preparation and implementation of an SPCC Plan are provided in 40 C.F.R. § 112.3(f).

46. 40 C.F.R. § 112.7 requires that an SPCC Plan be a carefully thought-out plan, prepared in accordance with good engineering practices and which has the full approval of management at a level with authority to commit the necessary resources. 40 C.F.R. § 112.7 sets forth specific guidelines for the preparation and implementation of such plans.

47. Section 311(b)(7)(C) of the CWA, 33 U.S.C. § 1321(b)(7)(C), as amended by Federal Civil Penalties Inflation Adjustment Act of 1990, 104 Stat. 890, Public Law 101-410 (codified as amended at 28 U.S.C. § 2461), 61 Fed. Reg. 69360 (Dec. 31, 1996), the Debt Collection Improvement Act of 1996, 110 Stat. 1321, Public Law 104-134, and 40 C.F.R. § 19.4 (hereinafter “Section 311(b)(7)(C) of the CWA, as amended”), provides that any person who fails to comply with any regulation issued under Section 311(j) of the CWA, 33 U.S.C. § 1321(j), shall be subject to a civil penalty not to exceed \$25,000 for each day of such violation occurring on or before January 30, 1997, \$27,500 for each day of such violation occurring after January 30, 1997, and \$32,500 for each day of such violation occurring after March 15, 2004.

FACTUAL BACKGROUND AND GENERAL ALLEGATIONS

48. The wells that are the subject of this action are located within the Lander Oil Field and the Winkelman Dome Oil Field within the exterior boundaries of the Wind River Indian Reservation. The operation of these wells has been conducted, in part, pursuant to various

leases. Portions of the Lander Oil Field are located outside the boundaries of the Wind River Indian Reservation; this case addresses only those portions of the Lander Oil Field that are located within the exterior boundaries of the Wind River Indian Reservation. The entire of the Winkleman Dome Oil Field is located within the exterior boundaries of the Wind River Indian Reservation.

49. From at least 1988 through June 30, 1997, Defendant Amoco was the owner and/or operator of the underground injection wells that are the subject of this action.

50. From July 1, 1997, until June 14, 2004, Defendants CamWest, Inc., and CamWest LP have each been the owner and/or operator of the underground injection wells that are the subject of this action. CamWest LP and CamWest, Inc. sold the Lander and Winkleman Dome Oil Fields effective June 14, 2004, and the purchase agreement reflects certain continuing obligations at the Oil Fields, including obligations with respect to the CWA.

51. Each of the wells that are the subject of this action is a “facility or activity” within the meaning of 40 C.F.R. § 144.3.

52. The wells that are the subject of this action are constructed and completed in such a manner that they inject into, through, above or below one or more aquifers that are underground sources of drinking water, as defined by 40 C.F.R. § 144.3.

53. The following enhanced recovery injection wells within the Lander Oil Field have been authorized by rule to operate since the inception of the UIC program: WY2000-02186;

WY2000-02187; WY2000-02188; WY2000-02189; WY2000-02190; WY2000-02193;
WY2000-02191; WY2000-02195; WY2000-02196; WY2000-02198; WY2000-02199;
WY2000-02200; WY2000-02203; WY2000-02204; WY2000-02206; WY2000-02207;
WY2000-02208; WY2000-02209; WY2000-02210; WY2000-02211; WY2000-02216;
WY2000-02217; WY2000-02218; WY2000-02219; WY2000-02220; WY2000-02222;
WY2000-02221; WY2000-02223; WY2000-02224; WY2000-02225; WY2000-02230;
WY2000-02231; WY2000-02232; WY2000-02233; WY2000-02234; and WY2000-02262.

54. Three enhanced recovery injection wells in the Lander Oil Field are currently authorized to operate by permit. These wells and their respective permits are: S.A. Tribal "T" No. 44 (Permit WY2654-03747); Phosphoria No. 78 (Permit WY2656-03749); and Phosphoria No. 132 (Permit WY2657-03750).

55. The following enhanced recovery injection wells within the Winkelman Dome Oil Field have been authorized by rule to operate since the inception of the UIC program: WY2000-02157; WY2000-02180; WY2000-02236; WY2000-02237; WY2000-02238; WY2000-02239; WY2000-02240; WY2000-02241; WY2000-02242; WY2000-02243; WY2000-02245; WY2000-02247; WY2000-02248; WY2000-02249; WY2000-02250; WY2000-02251; WY2000-02252; WY2000-02253; WY2000-02254; WY2000-02255; WY2000-02256; WY2000-02257; WY2000-02258; WY2000-02259; WY2000-02260; WY2000-02261; WY2000-02263; WY2000-02264; WY2000-02265; WY2000-02266; WY2000-02267;

WY2000-02268; WY2000-02269; WY2000-02270; WY2000-02271; WY2000-02272;
WY2000-02273; WY2000-02274; WY2000-02275; WY2000-02276; WY2000-02277;
WY2000-02278; WY2000-02279; WY2000-02280; WY2000-02281; WY2000-02282;
WY2000-02283; WY2000-02284; WY2000-02285; WY2000-02286; WY2000-02287;
WY2000-02288; WY2000-02289; WY2000-02290; WY2000-02291; WY2000-02292;
WY2000-02293; WY2000-02294; WY2000-02295; WY2000-02296; WY2000-02297;
WY2000-02298; WY2000-02299; WY2000-02300; WY2000-02301; WY2000-02302;
WY2000-02303; WY2000-02304; WY2000-02305; WY2000-02306; WY2000-02308;
WY2000-02311; WY2000-02312; WY2000-02313; WY2000-02314; WY2000-02317;
WY2000-02318; WY2000-02319; WY2000-02320; WY2000-02321; WY2000-02322; and
WY2000-02323.

56. At all relevant times, each of the wells noted in the previous three paragraphs has been and/or continues to be a Class II injection well, as defined by 40 C.F.R. §§ 144.6(b) and 146.5(b).

57. The injection fluid that has been and is currently being injected into the Class II injection wells at the Winkelman Dome and Lander Oil Fields contains “contaminants,” within the meaning of Sections 1401(6) and 1421(d)(2) of the SDWA, 42 U.S.C. §§ 300f(6) and 300h(d)(2). These contaminants include, but are not limited to, benzene, ethyl benzene, xylene, and toluene.

58. Pursuant to Section 402(a) of the CWA, 33 U.S.C. § 1342(a), on or about March 26, 1997, EPA issued NPDES Permit No. WY-0025232 ("Winkleman NPDES Permit") to address discharges from the wastewater treatment facility located in the Winkleman Dome Oil Field. EPA issued this permit to Amoco and to CamWest LP. The Winkleman NPDES Permit, among other things, set effluent limits for a number of parameters, including oil and grease, and requires the permit holder to take a grab sample immediately if an oil sheen is observed in the discharge, and to analyze and report the results. The Winkleman NPDES Permit addresses discharges to an unnamed dry draw of the Big Horn Draw, both of which are tributaries of the Little Wind River.

59. Pursuant to Section 402(a) of the CWA, 33 U.S.C. § 1342(a), on or about September 1, 1997, EPA issued NPDES Permit No. WY-0000221 ("Lander NPDES Permit") to address discharges from the facility servicing the Lander Oil Field. EPA issued this permit to CamWest LP. The Lander Permit allows no discharge from the Lander Oil Field.

60. On June 23, 1997, one week before Amoco transferred its ownership interest in the wells noted above, EPA inspectors visited the Winkleman Dome Oil Field where, among other things, they sampled the effluent from Outfall 001, the only outfall authorized under the above-noted Winkleman NPDES Permit, and observed a heavy oil sheen on the samples and the surface of the water. The results of this sample showed a discharge of oil and grease in excess of the limit for oil and grease in Winkleman NPDES Permit No. WY-0025232.

61. The Winkleman Dome and Lander Oil Field facilities, located in Fremont County, Wyoming, within the exterior boundaries of the Wind River Indian Reservation, are “onshore facilities” as defined in Section 311(a)(10) of the CWA, 33 U.S.C. § 1321(a)(10) and 40 C.F.R. § 112.2.

62. The Winkleman Dome and Lander Oil Field facilities are non-transportation-related facilities, under the definition incorporated by reference at 40 C.F.R. §112.2, and 40 C.F.R. Part 112, Appendix A.

63. At all relevant times, the Winkleman Dome and Lander Oil Field facilities have each had an above-ground storage capacity greater than 1320 gallons of oil.

64. The facilities located at the Winkleman Dome and Lander Oil Fields have discharged or, due to their location, could reasonably be expected to discharge oil in harmful quantities, as defined by 40 C.F.R. Part 110, to a navigable water of the United States or its adjoining shoreline in such quantities that by regulation have been determined may be harmful to the public health or welfare or environment of the United States.

65. Pursuant to Section 311(j) of the CWA, 33 U.S.C. § 1321(j), CamWest, Inc. and CamWest LP are subject to the SPCC regulations set forth in 40 C.F.R. Part 112 in regard to their activities at the Winkleman Dome and Lander Oil Fields.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

(SDWA: Injection Above Authorized Injection Pressure)

(Defendants CamWest, Inc., and CamWest LP)

66. The allegations in Paragraphs 1-34 and 48-57 are incorporated by reference.

67. 40 C.F.R. § 144.28(f)(6)(ii) requires that the owner or operator of any Class II well authorized by rule shall not exceed a maximum injection pressure at the wellhead, which shall be calculated to assure that the pressure during injection does not initiate new fractures or propagate existing fractures in the confining zone adjacent to Underground Sources of Drinking Water, and shall not inject at a pressure that will cause movement of injection or formation fluids into an Underground Source of Drinking Water.

68. 40 C.F.R. § 144.52(a)(3) requires a permit issued under a UIC program to establish any maximum injection volumes and/or pressures necessary to assure that fractures are not initiated in the confining zone, that injected fluids not migrate into any underground source of drinking water, and that formation fluids are not displaced into any underground source of drinking water, and to assure compliance with the Part 146 operating requirements, which includes the operating requirements of 40 C.F.R. § 146.23(a).

69. Permit condition part II, section C.4.(a) and (b) of EPA UIC Permits WY2654-03747, WY2656-03749, and WY2657-03750, as modified, applicable to the three specific injection wells at the Lander Oil Field and referenced in Paragraph 54, supra, sets forth the maximum authorized injection pressure for each permitted well, effective the issuance date of each respective permit.

70. At various times relevant to this Complaint, Defendants CamWest, Inc., and CamWest LP have operated one or more wells at the Lander Oil Field and the Winkleman Dome Oil Field in violation of 40 C.F.R. § 144.28(f)(6)(ii) or the maximum authorized injection pressure set forth in the terms and conditions of EPA UIC Permits WY2654-03747, WY2656-03749, or WY2657-03750, as these permits have been modified by EPA.

71. Pursuant to Section 1423(b) of the SDWA, as amended, 42 U.S.C. § 300h-2(b), and 28 U.S.C. § 2461, Defendants CamWest, Inc. and CamWest LP are each liable for a civil penalty not to exceed \$27,500 for each day of each such violation of the SDWA occurring after January 30, 1997, and \$32,500 for each day of each such violation of the SDWA occurring after March 15, 2004.

72. Defendants CamWest, Inc. and CamWest LP are each subject to injunctive relief pursuant to Section 1423(b) of the SDWA, 42 U.S.C. § 300h-2(b).

SECOND CLAIM FOR RELIEF

(SDWA: Failure to Plug and Abandon or Show Non-Endangerment)
(Defendants Amoco, CamWest, Inc., and CamWest LP)

73. The allegations in Paragraphs 1-34, 48-57, and 67-72 are incorporated by reference.

74. 40 C.F.R. § 144.28(c)(2)(iv) requires the owner or operator of any Class II well authorized by rule to plug and abandon the well pursuant to an EPA-approved plugging and abandonment plan when operations have ceased for two years, unless the owner or operator demonstrates to EPA that the well will not endanger any Underground Sources of Drinking

Water during the period of temporary abandonment.

75. At various times relevant to this Complaint, Defendants CamWest, Inc. and CamWest LP failed to plug and abandon one or more wells at the Lander Oil Field pursuant to an EPA-approved plugging and abandonment plan, after the respective injection operations in each well had ceased for longer than two years, in violation of 40 C.F.R. § 144.28(c)(2)(iv).

76. At various times relevant to this Complaint, Defendants Amoco, CamWest, Inc., and CamWest LP failed to plug and abandon one or more wells at the Winkelman Dome Oil Field pursuant to an EPA-approved plugging and abandonment plan, after the respective injection operations in each well had stopped for longer than two years, in violation of 40 C.F.R. § 144.28(c)(2)(iv).

77. Pursuant to Section 1423(b) of the SDWA, as amended, 42 U.S.C. § 300h-2(b), and 28 U.S.C. § 2461, Defendant Amoco is liable for a civil penalty not to exceed \$25,000 for each day of each such violation of the SDWA occurring on or before January 30, 1997, and \$27,500 for each day of each such violation of the SDWA occurring after January 30, 1997, and Defendants CamWest, Inc. and CamWest LP are each liable for a civil penalty not to exceed \$27,500 for each day of each such violation of the SDWA occurring after January 30, 1997, and \$32,500 for each day of each such violation of the SDWA occurring after March 15, 2004.

78. Defendants Amoco, CamWest, Inc., and CamWest LP are each subject to injunctive relief pursuant to Section 1423(b) of the SDWA, 42 U.S.C. § 300h-2(b).

THIRD CLAIM FOR RELIEF

(SDWA: Failure to Demonstrate Mechanical Integrity Every Five Years)
(Defendants Amoco, CamWest, Inc., and CamWest LP)

79. The allegations in Paragraphs 1-34, 48-57, and 67-78 are incorporated by reference.

80. 40 C.F.R. §§ 144.28(g)(2)(iv)(A) and 146.23(b)(3) require the owner or operator of any enhanced recovery well authorized by rule to demonstrate the mechanical integrity of each such well, pursuant to 40 C.F.R. § 146.8, at least once every five years during the life of the injection well.

81. 40 C.F.R. § 146.23(b)(3) requires the owner or operator of any enhanced recovery well authorized by permit to demonstrate the mechanical integrity of each such well, pursuant to 40 C.F.R. § 146.8, at least once every five years during the life of the injection well. Each of the permits for the wells referenced in Paragraph 54, supra, incorporates this requirement.

82. Permit condition part II., section C.2.(b) of EPA UIC Permits WY2654-03747, WY2656-03749, and WY2657-03750, applicable to the three specific wells at the Lander Oil Field and referenced in Paragraph 54, supra, states, in part, that the permittee shall make a demonstration of mechanical integrity at regular intervals, no less frequently than every five years, in accordance with 40 C.F.R. § 146.8.

83. At various times relevant to this Complaint, Defendants Amoco, CamWest, Inc., and CamWest LP each failed to demonstrate the mechanical integrity of one or more wells at the Lander Oil Field and the Winkleman Dome Oil Field, in violation of 40 C.F.R.

§§ 144.28(g)(2)(iv), 146.8, and 146.23(b)(3), or §§ 146.8 and 146.23(b)(3), and the terms and conditions of EPA UIC Permits WY2654-03747, WY2656-03749, or WY2657-03750.

84. Pursuant to Section 1423(b) of the SDWA, as amended, 42 U.S.C. § 300h-2(b), and 28 U.S.C. § 2461, Defendant Amoco is liable for a civil penalty not to exceed \$25,000 for each day of each such violation of the SDWA occurring on or before January 30, 1997, and \$27,500 for each day of each such violation of the SDWA occurring after January 30, 1997, and Defendants CamWest, Inc. and CamWest LP are each liable for a civil penalty not to exceed \$27,500 for each day of each such violation of the SDWA occurring after January 30, 1997, and \$32,500 for each day of each such violation of the SDWA occurring after March 15, 2004.

85. Defendants Amoco, CamWest, Inc., and CamWest LP are each subject to injunctive relief pursuant to Section 1423(b) of the SDWA, 42 U.S.C. § 300h-2(b).

FOURTH CLAIM FOR RELIEF

(SDWA: Failure to Demonstrate Mechanical Integrity Every Year)
(Defendants Amoco, CamWest, Inc., and CamWest LP)

86. The allegations in Paragraphs 1-34, 48-57, and 67-85 are incorporated by reference.

87. 40 C.F.R. § 144.28(g)(2)(iv)(B) establishes that for EPA-administered programs, the Regional Administrator may, by written notice, establish a schedule for the owner or operator of any enhanced recovery well to demonstrate the mechanical integrity of each such well pursuant to 40 C.F.R. § 146.8.

88. At various times relevant to this Complaint and regarding certain enhanced

recovery wells at issue in this case, EPA has established, by written notice, a schedule for the owner or operator to demonstrate the mechanical integrity of such wells on an annual basis.

EPA has established this schedule for wells where construction modifications have reduced the layers of protection that each well would normally have (e.g., where the well tubing has been cemented into place).

89. At various times relevant to this Complaint, Defendants Amoco, CamWest, Inc., and CamWest LP failed to demonstrate the mechanical integrity of one or more wells at the Lander Oil Field and the Winkelman Dome Oil Field on an annual basis, as required by EPA, in violation of 40 C.F.R. §§ 144.28(g)(2)(iv)(B) and 146.8.

90. Pursuant to Section 1423(b) of the SDWA, as amended, 42 U.S.C. § 300h-2(b), and 28 U.S.C. § 2461, Defendant Amoco is liable for a civil penalty not to exceed \$25,000 for each day of each such violation of the SDWA occurring on or before January 30, 1997, and \$27,500 for each day of each such violation of the SDWA occurring after January 30, 1997, and Defendants CamWest, Inc. and CamWest LP are each liable for a civil penalty not to exceed \$27,500 for each day of each such violation of the SDWA occurring after January 30, 1997, and \$32,500 for each day of each such violation of the SDWA occurring after March 15, 2004.

91. Defendants Amoco, CamWest, Inc., and CamWest LP are each subject to injunctive relief pursuant to Section 1423(b) of the SDWA, 42 U.S.C. § 300h-2(b).

FIFTH CLAIM FOR RELIEF

(SDWA: Failure to Establish and Maintain Mechanical Integrity)

(Defendants Amoco, CamWest, Inc., and CamWest LP)

92. The allegations in Paragraphs 1-34, 48-57, and 67-91 are incorporated by reference.

93. 40 C.F.R. § 144.28(f)(2) requires the owner or operator of any Class II injection well authorized by rule to establish and maintain the mechanical integrity of each such well, as defined in 40 C.F.R. § 146.8, until the well is properly plugged in accordance with an approved plugging and abandonment plan pursuant to §§ 144.28(c) and 146.10, and a plugging and abandonment report pursuant to § 144.28(k) is submitted, or until the well is converted in compliance with § 144.28(j).

94. At various times relevant to this Complaint, Defendants Amoco, CamWest, Inc., and CamWest LP failed to establish and maintain the mechanical integrity of one or more wells at the Lander Oil Field and the Winkleman Dome Oil Field, in violation of 40 C.F.R. §§ 144.28(f)(2) and 146.8.

95. Pursuant to Section 1423(b) of the SDWA, as amended, 42 U.S.C. § 300h-2(b), and 28 U.S.C. § 2461, Defendant Amoco is liable for a civil penalty not to exceed \$25,000 for each day of each such violation of the SDWA occurring on or before January 30, 1997, and \$27,500 for each day of each such violation of the SDWA occurring after January 30, 1997, and Defendants CamWest, Inc. and CamWest LP are each liable for a civil penalty not to exceed \$27,500 for each day of each violation of the SDWA occurring after January 30, 1997, and \$32,500 for each day of each such violation of the SDWA occurring after March 15, 2004.

96. Defendants Amoco, CamWest, Inc., and CamWest LP are each subject to injunctive relief pursuant to Section 1423(b) of the SDWA, 42 U.S.C. § 300h-2(b).

SIXTH CLAIM FOR RELIEF
(SDWA: Unauthorized Injection)
(Defendants CamWest, Inc. and CamWest LP)

97. The allegations in Paragraphs 1-34, 48-57, and 67-96 are incorporated by reference.

98. 40 C.F.R. § 144.28(f)(3) requires the owner or operator of any enhanced recovery well authorized by rule to cease injection within 48-hours of receipt of notification by the Director that the well lacks mechanical integrity, unless the Director requires immediate cessation of injection. As set forth in 40 C.F.R. § 144.28(f)(3), the Director may allow plugging of the well in accordance with 40 C.F.R. § 146.10 or may require corrective action and other requirements to address movement of fluids caused by the lack of mechanical integrity.

99. 40 C.F.R. § 144.28(f)(4) allows the Director to authorize injection into a well lacking mechanical integrity if the owner or operator demonstrates that injection into such a well will not cause fluid movement into or between Underground Sources of Drinking Water.

100. Absent specific authorization to continue injection without mechanical integrity, as allowed for in 40 C.F.R. § 144.28(f)(4), any continued injection into a well determined by the Director to lack mechanical integrity pursuant to 40 C.F.R. §§ 144.28(f)(3) and 146.8, is considered unauthorized injection.

101. At various times relevant to this Complaint, Defendants CamWest, Inc. and

CamWest LP made unauthorized injections at one or more wells at the Lander Oil Field and the Winkleman Oil Field, in violation of 40 C.F.R. § 144.28(f)(3) and § 144.28(f)(4).

102. Pursuant to Section 1423(b) of the SDWA, as amended, 42 U.S.C. § 300h-2(b), and 28 U.S.C. § 2461, Defendants CamWest, Inc. and CamWest LP are each liable for a civil penalty not to exceed \$27,500 for each day of each such violation of the SDWA occurring after January 30, 1997, and \$32,500 for each day of each such violation of the SDWA occurring after March 15, 2004.

103. Defendants CamWest Inc. and CamWest LP are subject to injunctive relief pursuant to Section 1423(b) of the SDWA, 42 U.S.C. § 300h-2(b).

SEVENTH CLAIM FOR RELIEF

(SDWA: Failure to Notify Director Prior to Resuming Injection)
(Defendants Amoco, CamWest, Inc., and CamWest LP)

104. The allegations in Paragraphs 1-34, 48-57, and 67-103 are incorporated by reference.

105. 40 C.F.R. § 144.28(c)(2)(v) requires the owner or operator of any well that has been temporarily abandoned to notify the Regional Administrator of EPA prior to resuming operation of the well.

106. At various times relevant to this Complaint, Defendants Amoco, CamWest, Inc., and CamWest LP have resumed operations of one or more wells at the Winkleman Dome Oil Field without notifying the Regional Administrator of EPA, in violation of 40 C.F.R.

§ 144.28(c)(2)(v).

107. Pursuant to Section 1423(b) of the SDWA, as amended, 42 U.S.C. § 300h-2(b), and 28 U.S.C. § 2461, Defendant Amoco is liable for a civil penalty not to exceed \$25,000 for each day of each such violation of the SDWA occurring on or before January 30, 1997, and \$27,500 for each day of each such violation of the SDWA occurring after January 30, 1997, and Defendants CamWest, Inc. and CamWest LP are each liable for a civil penalty not to exceed \$27,500 for each day of each such violation of the SDWA occurring after January 30, 1997, and \$32,500 for each day of each such violation of the SDWA occurring after March 15, 2004.

108. Defendants Amoco, CamWest, Inc., and CamWest LP are each subject to injunctive relief pursuant to Section 1423(b) of the SDWA, 42 U.S.C. § 300h-2(b).

EIGHTH CLAIM FOR RELIEF

(SDWA: Failure to Operate and Maintain Injection Wells)
(Defendants Amoco, CamWest, Inc. and CamWest LP)

109. The allegations in Paragraphs 1-34, 48-57, and 67-108 are incorporated by reference.

110. 40 C.F.R. § 144.21(a) requires the owner or operator of any Class II well, among other things, to operate and maintain each such well in compliance with applicable regulations.

111. At various times relevant to this Complaint, Defendants Amoco, CamWest, Inc., and CamWest LP have failed to operate and maintain one or more wells at the Lander Oil Field and Winkelman Dome Oil Field in compliance with applicable regulations, in violation of 40

C.F.R. § 144.21(a).

112. Pursuant to Section 1423(b) of the SDWA, as amended, 42 U.S.C. § 300h-2(b), and 28 U.S.C. § 2461, Defendant Amoco is liable for a civil penalty not to exceed \$25,000 for each day of each such violation of the SDWA occurring on or before January 30, 1997, and \$27,500 for each day of each such violation of the SDWA occurring after January 30, 1997, and Defendants CamWest, Inc. and CamWest LP are each liable for a civil penalty not to exceed \$27,500 for each day of each such violation of the SDWA occurring after January 30, 1997, and \$32,500 for each day of each such violation of the SDWA occurring after March 15, 2004.

113. Defendants Amoco, CamWest, Inc., and CamWest LP are each subject to injunctive relief pursuant to Section 1423(b) of the SDWA, 42 U.S.C. § 300h-2(b).

NINTH CLAIM FOR RELIEF

(CWA: Discharge of Pollutants in violation of NPDES permit)
(Defendant Amoco)

114. The allegations in Paragraphs 1-14, 35-42, and 48-60 are incorporated by reference.

115. The Little Wind River, Big Horn Draw and the unnamed tributary to the Big Horn Draw at or near the Winkleman Dome Oil Field are each “navigable waters” of the United States, as defined by Section 502(7) of the CWA, 33 U.S.C. § 1362(7), and 40 C.F.R. § 110.1, and “waters of the United States” within the meaning of 40 C.F.R. § 122.2.

116. At all times relevant to this Complaint, including but not limited to June 23, 1997,

Amoco was subject to the terms and conditions of Winkleman NPDES Permit WY-0025232 with respect to discharges at the Winkleman Dome Oil Field.

117. On at least June 23, 1997, Amoco discharged “pollutants” from a “point source” at the Winkleman Dome Oil Field, within the meaning of Section 502(6), (12) and (14) of the CWA, 33 U.S.C. § 1362(6), (12) and (14).

118. On at least June 23, 1997, Amoco’s discharges from its permitted outfall at the Winkleman Dome Oil Field violated the terms and conditions of the oil and grease discharge limitation in its Winkleman NPDES Permit, in violation of Section 301 of the CWA, 33 U.S.C. § 1311.

119. On at least June 23, 1997, Amoco also violated the terms and conditions of the Winkleman NPDES Permit by failing to take, analyze, and report a grab sample immediately after observing an oil sheen in its permitted discharge, in violation of Section 301 of the CWA, 33 U.S.C. § 1311.

120. Each violation of the terms and conditions of Amoco’s Winkleman NPDES Permit constitutes a violation of Section 301 of the CWA, 33 U.S.C. § 1311.

121. Pursuant to Section 309(d) of the CWA, as amended, 33 U.S.C. § 1319(d), and 28 U.S.C. § 2461, Defendant Amoco is liable for a civil penalty not to exceed \$27,500 for each day of each such violation of the CWA.

TENTH CLAIM FOR RELIEF

(CWA: Winkleman Dome Oil Field – Discharge of Pollutants in violation of NPDES permits)
(Defendants CamWest, Inc. and CamWest LP)

122. The allegations in Paragraphs 1-14, 35-42, and 48-60 are incorporated by reference.

123. The Little Wind River, Big Horn Draw and the unnamed tributary to the Big Horn Draw at or near the Winkleman Dome Oil Field are each “navigable waters” of the United States, as defined by Section 502(7) of the CWA, 33 U.S.C. § 1362(7), and 40 C.F.R. § 110.1, and “waters of the United States” within the meaning of 40 C.F.R. § 122.2.

124. At all times relevant to this Complaint, CamWest LP and CamWest, Inc. were subject to the terms and conditions of Winkleman NPDES Permit WY-0025232 with respect to discharges at the Winkleman Dome Oil Field.

125. At various times relevant to this Complaint, Defendants CamWest, Inc. and CamWest LP discharged “pollutants” through a “point source” other than its permitted outfall at the Winkleman Dome Oil Field, within the meaning of Section 502(6), (12) and (14) of the CWA, 33 U.S.C. § 1362(6), (12) and (14).

126. At various times relevant to this Complaint, including but not limited to on or about June 7, 12 and 17, 1999, January 28, and September 14, 2001, and September 16, 2002, Defendants CamWest, Inc., and CamWest LP reported unpermitted discharges of produced

water into the unnamed tributary to the Big Horn Draw.

127. The produced water discharged from the Winkleman Dome facility may have contained, among other substances, chlorides, oil, grease, total dissolved solids, radium-226, and sulfates, and is considered a “pollutant” within the meaning of Section 502(6) of the CWA, 33 U.S.C. § 1362(6).

128. None of the discharges identified in Paragraphs 123-126 was permitted under the applicable NPDES permit.

129. Each of the discharges identified in Paragraphs 123-126 constitutes a discharge of a “pollutant” to “navigable waters” from a “point source” within the meaning of Section 502 of the CWA, 33 U.S.C. § 1362, without benefit of an NPDES permit and is a violation of Section 301 of the CWA, 33 U.S.C. § 1311.

130. Each of the discharges identified in Paragraphs 123-126 also constitutes a violation of Section I.B. of Winkleman NPDES Permit WY-0025232, which states that discharges other than from any location specifically authorized under an NPDES permit is a violation of the CWA and could subject the responsible person(s) to penalties under Section 309 of the CWA, 33 U.S.C. § 1319. Outfall 001 is the only outfall authorized for discharges under Winkleman NPDES Permit WY-0025232. Each of these discharges were from locations other than Outfall 001. The discharge occurring on September 14, 2001, also violated Section I.C.2 of Winkleman NPDES Permit WY-0025232 in that it created an oil sheen and no grab sample

was immediately taken, analyzed, and reported. Consequently, each of these discharges also constitutes a violation of Winkleman NPDES Permit WY-0025232 and Section 301 of the CWA, 33 U.S.C. § 1311.

131. On at least July 16, 2001, CamWest, Inc. and CamWest LP violated the terms and conditions of the oil and grease discharge limitation in the applicable Winkleman NPDES Permit, in violation of Section 301 of the CWA, 33 U.S.C. § 1311.

132. On at least July 16, 2001, CamWest, Inc. and CamWest LP violated the terms and conditions of the applicable Winkleman NPDES Permit by failing to take, analyze, and report a grab sample immediately after observing an oil sheen in the permitted discharge, in violation of Section 301 of the CWA, 33 U.S.C. § 1311.

133. Each violation of the terms and conditions of the applicable NPDES Permit constitutes a violation of Section 301 of the CWA, 33 U.S.C. § 1311.

134. Pursuant to Section 309(d) of the CWA, as amended, 33 U.S.C. § 1319(d), and 28 U.S.C. § 2461, Defendants CamWest, Inc. and CamWest LP are each liable for a civil penalty not to exceed \$27,500 for each day of each such violation of CWA Section 301, 33 U.S.C. § 1311, occurring after January 30, 1997, and \$32,500 for each day of each such violation of CWA Section 301, 33 U.S.C. § 1311, occurring after March 15, 2004.

135. Defendants CamWest, Inc. and CamWest LP are each subject to injunctive relief pursuant to Section 309(b) of the CWA, 33 U.S.C. § 1319(b).

ELEVENTH CLAIM FOR RELIEF

(CWA: Lander Oil Field – Discharge of Pollutants in violation of NPDES permits)
(Defendants CamWest, Inc. and CamWest LP)

136. The allegations in Paragraphs 1-14, 35-42, and 48-60 are incorporated by reference.

137. The Popo Agie River is a “navigable water” of the United States, as defined by Section 502 (7) of the CWA, 33 U.S.C. § 1362(7), and 40 C.F.R. § 110.1, and “waters of the United States” within the meaning of 40 C.F.R. § 122.2.

138. At all times relevant to this Complaint, CamWest LP and CamWest LP were subject to the terms and conditions of Lander NPDES Permit WY-0000221 with respect to discharges at the Lander Oil Field.

139. At various times relevant to this Complaint, Defendants CamWest, Inc. and CamWest LP discharged “pollutants” through a “point source” at the Lander Oil Field, within the meaning of Section 502(6), (12) and (14) of the CWA, 33 U.S.C. § 1362(6), (12) and (14).

140. On information and belief, at various times relevant to this Complaint, including but not limited to May 9, 2002, and continuing since then, possibly on an intermittent basis, CamWest, Inc., and CamWest LP discharged oil into the Popo Agie River and adjoining shorelines from its facility at the Lander Oil Field.

141. On May 9, 2002, CamWest, Inc., and CamWest LP discovered an oil seep that originated from the Lander Oil Field and spilled and discharged crude oil into the Popo Agie

River, causing a sheen on the water. On information and belief, this discharge originated prior to May 9, 2002, and has continued since then, possibly on an intermittent basis.

142. On or about January 3, 2003, an employee of the Wind River Environmental Quality Commission observed crude oil being discharge from a pipeline into a dry drain ditch which is a tributary of the Popo Agie River.

143. Each discharge of oil identified in Paragraphs 137-142, constitutes a discharge of a “pollutant” to “navigable waters” from a “point source” within the meaning of Section 502 of the CWA, 33 U.S.C. § 1362, without benefit of an NPDES permit and is a violation of Section 301 of the CWA, 33 U.S.C. § 1311.

144. Pursuant to Section 309(d) of the CWA, as amended, 33 U.S.C. § 1319(d), and 28 U.S.C. § 2461, Defendants CamWest, Inc. and CamWest LP are each liable for a civil penalty not to exceed \$27,500 for each day of each such violation of CWA Section 301, 33 U.S.C. § 1311, occurring after January 30, 1997, and \$32,500 for each day of each such violation of CWA Section 301, 33 U.S.C. § 1311, occurring after March 15, 2004.

145. Defendants CamWest, Inc. and CamWest LP are each subject to injunctive relief pursuant to Section 309(b) of the CWA, 33 U.S.C. § 1319(b).

TWELFTH CLAIM FOR RELIEF
(CWA: SPCC Violations)
(Defendants CamWest, Inc. and CamWest LP)

146. The allegations in Paragraphs 1-14, and 43-65 are incorporated by reference.

147. In May 1999, CamWest, Inc., and CamWest LP prepared SPCC plans for the

Winkelman Dome and Lander Oil Fields. CamWest, Inc. and CamWest LP began to operate the Winkelman Dome and Lander Oil Field facilities on July 1, 1997.

148. Based upon a review of these plans, EPA determined that each of these plans was not prepared pursuant to the requirements of 40 C.F.R. § 112.7, in violation of 40 C.F.R. § 112.3.

149. CamWest, Inc.'s and CamWest LP's SPCC Plan for the Lander Oil Field failed to meet or adequately address the required elements for preparing an SPCC Plan, in violation of 40 C.F.R. § 112.3, including but not limited to requirements addressing:

- a. Secondary containment for heater/treaters and other equipment, 40 C.F.R. § 112.7(c) and (e)(5)(iii)(B) (currently codified at 40 C.F.R. §§ 112.7(c) and 112.9(c)(2));
- b. Inspection of field drainage ditches and dikes, 40 C.F.R. § 112.7(e)(5)(ii)(A) and (B) (currently codified at 40 C.F.R. § 112.9(b)(2)); and
- c. Inspection of salt water disposal facilities, 40 C.F.R. § 112.7(e)(5)(iv)(B) (currently codified at 40 C.F.R. § 112.9(d)(2)).

150. CamWest, Inc.'s and CamWest LP's SPCC Plan for the Winkelman Dome Oil Field failed to meet or adequately address the required elements for preparing an SPCC Plan, in violation of 40 C.F.R. § 112.3, including but not limited to requirements addressing:

- a. Secondary containment for heater/treaters and other equipment, 40 C.F.R. § 112.7(c) and (e)(5)(iii) (currently codified at 40 C.F.R. §§ 112.7(c) and

112.9(c)(2)) ;

b. Secondary containment of all bulk storage tanks, 40 C.F.R.

§ 112.7(e)(5)(iii)(B) (currently codified at 40 C.F.R. § 112.9(c)(2));

c. Inspection of field drainage ditches and dikes, 40 C.F.R. § 112.7(e)(5)(ii)(A) and (B) (currently codified at 40 C.F.R. § 112.9(b)(2));

d. Inspection of valves and pipelines periodically, 40 C.F.R.

§ 112.7(e)(5)(iv)(A) (currently codified at 40 C.F.R. § 112.9(d)(1));

e. Inspection of salt water disposal facilities, 40 C.F.R. § 112.7(e)(5)(iv)(B) (currently codified at 40 C.F.R. § 112.9(d)(2)); and

f. Proper positioning of drilling equipment, 40 C.F.R. § 112.7(e)(6)(i) (currently codified at 40 C.F.R. § 112.10(b)).

151. On July 24, 2002, an EPA inspector conducted an unannounced SPCC inspection of the CamWest, Inc., and CamWest LP facilities at the Winkleman Dome and Lander Oil Field facilities and determined that CamWest, Inc. and CamWest LP had failed to implement fully the SPCC Plan for their facilities, in violation of 40 C.F.R. § 112.3.

152. CamWest, Inc. and CamWest LP failed to implement the SPCC Plan for the Lander Oil Field, in violation of 40 C.F.R. § 112.3, including but not limited to the following violations:

a. Inadequate secondary containment or no secondary containment, 40 C.F.R.

§ 112.7(c) and (e)(5)(iii) (currently codified at 40 C.F.R. §§ 112.7(c) and

112.9(c)) ;

b. Oil traps/sumps allowed to overflow, 40 C.F.R. § 112.7(e)(5)(ii)(B) (currently codified at 40 C.F.R. § 112.9(b)(2)); and

c. Pooling oil or oil-saturated ground in the bad oil tank containment, 40 C.F.R. § 112.7(e)(5)(ii) (currently codified at 40 C.F.R. § 112.9(b)(2)).

153. CamWest, Inc. and CamWest LP failed to implement the SPCC Plan for the Winkleman Dome Oil Field, in violation of 40 C.F.R. § 112.3, including but not limited to the following violations:

a. No secondary containment for the transformers, 40 C.F.R. §§ 112.7(c) and (e)(5)(iii) (currently codified at 40 C.F.R. §§ 112.7(c) and 112.9(c)) ;

b. Oil traps/sumps allowed to overflow (seep berm leaking oil), 40 C.F.R. § 112.7(e)(5)(ii)(B) (currently codified at 40 C.F.R. § 112.9(b)(2)); and

c. Pooling oil or oil-saturated ground in the drainage (cattail area), 40 C.F.R. § 112.7(e)(5)(ii) (currently codified at 40 C.F.R. § 112.9(b)(2)) .

154. On information and belief, CamWest, Inc. and CamWest LP violated the requirement that they prepare an SPCC plan in accordance with SPCC regulations, beginning on May 28, 1999, and continuing until at least November 30, 2002, and violated the requirements that they implement their SPCC plan fully, beginning on July 1, 1998, and continuing until at least July 24, 2002. Each of these violations constitutes a violation of 40 C.F.R. § 112.3 and Section 311(b)(7)(C) of the CWA, 33 U.S.C. § 1321(b)(7)(C).

155. Pursuant to Section 311(b)(7)(C) of the CWA, as amended, 33 U.S.C. 156. § 1321(b)(7)(C), 28 U.S.C. § 2461, and 61 Fed. Reg. 69360 (Dec. 31, 1996), CamWest, Inc. and CamWest LP are each liable for a civil penalty not to exceed \$27,500 for each day of each such violation of the CWA occurring after January 30, 1997, and \$32,500 for each day of each such violation of the CWA occurring after March 15, 2004.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, the United States of America, on behalf of the Administrator of the EPA, respectfully requests that this Court enter judgment in favor of the United States and against each Defendant, and:

(1) Enter judgment against each Defendant, as set forth herein, and in favor of the United States for civil penalties not to exceed \$25,000 per day for each violation of the SDWA occurring on or before January 30, 1997, civil penalties not to exceed \$27,500 per day for each violation of the SDWA occurring after January 30, 1997, and civil penalties not to exceed \$32,500 per day for each violation of the SDWA occurring after March 15, 2004;

(2) Enter judgment against each Defendant, as set forth herein, and in favor of the United States for civil penalties not to exceed \$27,500 per day for each violation of the CWA occurring after January 30, 1997, and civil penalties not to exceed \$32,500 per day for each violation of the CWA occurring after March 15, 2004;

(3) Order Defendants CamWest, Inc. and CamWest LP to undertake any remedy that protection of the public health or the environment may require and any other action pursuant to

42 U.S.C. § 300h-2(b), including but not limited to providing any information requested of them relevant to the issues addressed in this matter, demonstrating compliance with any requirement of an applicable underground injection program, conducting any study to determine the existence of any violation of the SDWA and UIC program at the Lander and Winkelman Dome well fields, plugging and abandoning any well in violation of the SDWA and UIC program, and conducting any remedy EPA determines necessary at the Lander and Winkelman Dome well fields to address the violations there of the SDWA and UIC program;

(5) Order Defendant Amoco, as to each violation of the SDWA at the Lander or Winkelman Dome well field relating to its ownership or operation of these well fields that remained following the transfer of the leases to CamWest Inc. and CamWest LP, to undertake any remedy that protection of the public health or the environment may require and any other action pursuant to 42 U.S.C. § 300h-2(b), including but not limited to providing any information requested of them relevant to the issues addressed in this matter, demonstrating compliance with any requirement of an applicable underground injection program, conducting any study to determine the existence of any violation of the SDWA and UIC program at the Lander and Winkelman Dome well fields, plugging and abandoning any well in violation of the SDWA and UIC program, and conducting any remedy EPA determines necessary at the Lander and Winkelman Dome well fields to address the violations there of the SDWA and UIC program;

(6) Order Defendants CamWest, Inc. and CamWest LP to undertake any remedy or other injunctive relief EPA determines necessary at the Winkelman Dome and Lander Oil Fields

to address the violations of Section 301 of the CWA, 33 U.S.C. 1311; and

- (7) Grant the United States such further relief as is just and appropriate.

Respectfully submitted,

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